

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD, *et al.*, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

OPENAI INC., OPENAI OPCO LLC, OPENAI
GP LLC, OPENAI LLC, OPENAI GLOBAL
LLC, OAI CORPORATION LLC, OPENAI
HOLDINGS LLC, OPENAI STARTUP FUND
I LP, OPENAI STARTUP FUND GP I
LLC, OPENAI STARTUP FUND
MANAGEMENT LLC, and MICROSOFT
CORPORATION,

Defendants.

Case No. 1:23-cv-08292-SHS;

Case No. 1:23-cv-10211-SHS

**REPLY IN SUPPORT OF MOTION
TO APPOINT INTERIM CO-LEAD
COUNSEL FOR THE FICTION
AND NONFICTION AUTHORS'
CLASSES**

JONATHAN ALTER, *et al.*, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI,
LLC, OPENAI OPCO LLC, OPENAI GLOBAL
LLC, OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC, and MICROSOFT
CORPORATION,

Defendants.

Counsel for fiction and nonfiction authors with registered copyrights (“Plaintiffs”)—Lieff Cabraser Heimann & Bernstein, LLP (“Lieff Cabraser”), Susman Godfrey L.L.P. (“Susman Godfrey”), and Cowan DeBaets Abrahams & Sheppard, LLP (“CDAS”) (together, the “Moving Firms”)—respectfully submit this brief reply in support of their motion to appoint Interim Co-lead Counsel.

On January 12, 2024 the Moving Firms moved for appointment as Interim Co-Lead Counsel for the Fiction and Nonfiction Author classes. Dkt. No. 54. This motion is unopposed and, in fact, supported by plaintiffs in the related *Basbanes* action. *Basbanes et al. v. Microsoft Corporation, et al.*, 1:24-cv-84-SHS, Dkt. No. 21. The OpenAI Defendants have also filed a non-opposition. Dkt. No. 63. OpenAI’s nonopposition is substantively identical to the one it submitted in response to the 23(g) motion filed in the consolidated copyright class action pending in the Northern District of California. *See id.*; compare *In re OpenAI ChatGPT Litigation*, 23-cv-03223, Dkt. No. 95.

As set forth in the opening brief, the Moving Firms meet each of Rule 23(g)’s criteria and several additional factors weigh in favor of their appointment. *See* Dkt. No. 54 at 4-14. The lack of opposition to the Moving Firms’ motion underscores the strength of these contentions. *See generally, In re Valve Antitrust Litig.*, 2022 WL 3346392 (W.D. Wash. Aug. 12, 2022) (where no opposition was filed in response to 23(g) motion, there “[was] no reason to doubt” the contentions set forth within it); *see also Berry v. Mega Brands*, 2009 WL 233508 at *2 (D. N.J. Jan. 30, 2009) (weighing a lack of opposition in favor of granting a 23(g) motion). For these reasons, the Moving Firms respectfully request appointment as Interim Co-Lead Counsel for the Fiction and Nonfiction Authors’ Classes in this litigation.

Dated: February 2, 2024

Respectfully submitted,

/s/ Rachel Geman

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PROOF OF SERVICE VIA ECF

On February 2, 2024, I caused to be served the following document on all counsel of record via ECF:

**REPLY IN SUPPORT OF MOTION TO APPOINT INTERIM CO-LEAD
COUNSEL FOR THE FICTION AND NONFICTION AUTHORS' CLASSES**

/s/ Rachel Geman
Rachel Geman